

Message Text

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SUBJECT: BILATERAL AGREEMENT FOR REPATRIATION OF FOREIGN
NATIONAL PRISONERS TO COMPLETE SENTENCING IN OWN COUNTRY.

1. DEPARTMENT UNDERSTANDS THAT SPAIN AND DENMARK HAVE BILATERAL AGREEMENT WHEREBY A NATIONAL OF ONE COUNTRY IMPRISONED IN THE OTHER COUNTRY CAN BE REPATRIATED TO OWN COUNTRY FOR COMPLETION OF SENTENCE. TURKISH DOMESTIC LAW REPORTEDLY AUTHORIZES GOVERNMENT TO NEGOTIATE SIMILAR RECIPROCAL AGREEMENTS.
2. DEPARTMENT DESIRES ON URGENT BASIS BRIEF REPORT INDICATING EXTENT SUCH AUTHORITY HAS BEEN ACTUALLY EXERCISED. UNDER WHAT CIRCUMSTANCES AND LIMITATIONS AND WHETHER PRACTICAL EXPERIENCE APPEARS PRODUCE BENEFICIAL RESULTS. IF KNOWN TO HOST GOVERNMENTS, WHAT OTHER COUNTRIES HAVE SUCH ARRANGEMENTS?
3. ON LESS URGENT BASIS, WOULD APPRECIATE KNOWING WHAT

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FURTHER INFORMATION MIGHT BE AVAILABLE CONCERNING SUCH

AGREEMENTS, LEGAL PROCEDURES ADOPTED, ADMINISTRATIVE PROBLEMS INVOLVED, AND THE BENEFITS ENJOYED BY THE PARTIES CONCERNED AS WELL AS EVALUATION OF THE AGREEMENT'S IMPACT.

4. ABOVE REQUESTS PROMPTED BY EXPRESSIONS OF CURRENT CONGRESSIONAL INTEREST THAT US GOVERNMENT EXPLORE ALL OPPORTUNITIES TO ALLEVIATE PROBLEMS OF AMERICANS IMPRISONED ABROAD. CONGRESSMEN HAVE SPECIFICALLY INQUIRED WHETHER BILATERAL AGREEMENTS COULD BE NEGOTIATED TO ALLOW REPATRIATION FROM ABROAD OF US PRISONERS.

5. FYI: NUMBER OF AMERICAN CITIZENS IMPRISONED ABROAD HAS RISEN IN RECENT YEARS FROM A FEW HUNDRED TO OVER TWO THOUSAND AS OF JANUARY 1975. MANY ARE BEING DETAINED IN FACILITIES WHICH DO NOT MEET NORMAL US STANDARDS. IN 1971, SPAIN NOTED IT HAS SUCH AGREEMENT WITH DENMARK AND BOTH COUNTRIES HAVE ASKED WHETHER US WOULD BE INTERESTED IN DEVELOPING SIMILAR AGREEMENTS. NO FORMAL REPLY HAS BEEN SENT TO SPANISH OR DANES BECAUSE OF THE COMPLEXITIES OF US DOMESTIC LEGAL PROBLEMS INVOLVED. MANY LEGAL AND CONSTITUTIONAL OBSTACLES INCLUDING FEDERAL/STATE STRUCTURE OF US CRIMINAL LAW AND PROCEDURES MILITATE AGAINST ANY PLAN WHEREBY AMERICANS SENTENCED BY FOREIGN COURTS COULD BE HELD INVOLUNTARILY IN US PRISONS. THESE OBSTACLES MAY BE INSURMOUNTABLE AND POSTS' INQUIRIES SHOULD AVOID CONVEYING INDICATION THAT USG MAY BE PREPARED NEGOTIATE. RATHER THIS IS STRICTLY AN EXPLORATORY EFFORT IN ORDER THAT WE CAN EVALUATE SUCCESS OR FAILURE OF PROCEDURES WHICH OTHER GOVERNMENTS APPARENTLY ARE LEGALLY EMPOWERED TO ADOPT. INGERSOLL

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